

UNITED STATES SEXUALLY VIOLENT PREDATOR ACTS

There have been a number of high profile sexually violent crimes that have occurred throughout the United States. Some of these crimes were committed by individuals who were recently discharged from prison with or without parole or mandatory supervision. These cases were the major catalyst for sexually violent predator legislation. To date, 20 states in the United States have passed sexually violent predator acts.

LANDMARK SEXUALLY VIOLENT PREDATOR CASES:

Hendricks (Kansas) had a way of attracting children. He used his remote controlled airplane in the park. Hendricks began exposing himself to girls as an airman in 1956. In 1960, he molested two boys. In 1963, he was convicted of molesting a seven-year-old boy. He spent time in a State Hospital. In 1967, he was arrested for indecent liberties with an eight-year-old girl and her 11-year-old brother. He served five years. In 1984, he attempted to molest two thirteen-year-old boys. When he was released ten years later a prosecutor argued that he was a Sexually Violent Predator. At his commitment trial, Hendricks testified that only his death would guarantee he would never again molest a child.

In 1990, Washington enacted the first sexual predator statute. It was largely based on the acts of Earl Shriner who had completed a ten-year sentence for kidnapping and assaulting two teenage girls. Before his release, officials learned that he had devised further plans to torture children. All attempts to detain him through the mental health system failed and two years later he kidnapped and violently sexually assaulted a seven-year-old boy.

U.S. HISTORY OF THE SEXUALLY VIOLENT PREDATOR ACT

Legislation for civil commitment of sexual offenders has occurred for generations. Beginning in the late 1930s, many states enacted "sexual psychopath" statutes for the involuntary commitment of sexual offenders described as "psychopathic personalities, sexually dangerous persons, psychopathic offenders, and sexual psychopaths." Aimed at sexual offenders to be at high risk for recidivism, the statutes provided protection for the public and rehabilitation for offenders (Lieb et.al., 1998: Lieb and Matson, 1998: Horwitz, 1995; American Psychiatric Association, 1999: Wilson 1998).

In 1948, Congress adopted commitment laws to reflect the inability of sex offenders to control their behavior and shaped the ability of the law to confine sexual psychopaths. By the 1960s more than half of the states had enacted sexual psychopath statutes and the clinical/rehabilitative model. However ten years later, most states had repealed their focus from treatment and rehabilitation to prosecution and prison. The near complete abandonment of sexual psychopath statutes was followed by the emergence of the justice model. This

ideological transfer to retributive management was consistent with the attitude in the nation regarding law and order reform. Despite the severe penalties, it was obvious this model failed to contain offenders who had discharged their strict sentences but still posed a threat to society and were released into the community.

The intent of civil commitment law is to enable the states to contain a small group of very dangerous sex offenders who do not have the requisite mental disease or defect rendering them subject to the existing involuntary civil commitment statute. The law's rationale was based on public safety and community protection. Unlike the previous generation of sexual psychopath laws, civil commitment provided a means to contain the offender who discharged their prison sentence until community safety could be assured.